

DECISION RECORD

New Mexico Gas Company Taos Mainline Re-route Project

Environmental Assessment DOI-BLM-NM-F020-2017-0004-EA

Decision

It is my decision to grant the right-of-way (ROW) to the New Mexico Gas Company (NMGC) for the re-routing of approximately 7.2 miles of the Taos Mainline, as proposed under Alternative D, the Proposed Action, of the attached environmental assessment (EA). The authorization will include a 50-foot permanent ROW and 25-foot temporary use area along the entire length of the project area. One new block valve will be constructed on the northern end of the project area, at the base of Taos Plateau. The Rinconada block valve, on the southern end of the project area, will be reconstructed and improved. The NMGC requested the ROW grant to provide a more secure and safe service of natural gas delivery to the communities of Taos, Questa, and Red River in Taos County, New Mexico. The Taos Mainline is the only natural gas pipeline to serve these communities, and active geologic activity in the Rio Grande Gorge is causing stress to the existing steel 8-inch line.

The ROW grant will allow the NMGC to re-locate a portion of the Taos Mainline outside of a geologically unstable area near the Rio Grande to an upland area within the New Mexico State Highway 68 ROW and on the top of Taos Plateau. (See Figure 1.1 in the attached EA.) The total area of disturbance for the project is 77.3 acres, of which approximately 5 acres of permanent disturbance will be located outside the existing highway ROW. The grant will also apply mitigation measures identified as project design features under Section 2.4 of the attached EA.

This decision is contingent upon the BLM receiving concurrence from the U.S. Fish and Wildlife Service (USFWS) on its determination regarding the potential for the project to affect Southwestern willow flycatchers and their habitat. The biological assessment prepared for this action pursuant to Section 7 of the Endangered Species Act supports a determination by the BLM that the action may affect, but is not likely to adversely affect these resources. The BLM anticipates receiving concurrence from the USFWS in May 2017.

Land Use Plan Conformance

This decision is in conformance with the Taos RMP, approved in May 2012, which is the applicable land use plan. As described under Section 1.3 of the attached EA, the Taos RMP clearly established goals to provide land use authorizations in support of public needs and to establish an efficient system of utility corridors and communication sites to meet the needs of the public (See pages 40 and 41 of the Taos RMP.)

Nearly all of the Proposed Action is located within the Lower Gorge ACEC, with a small portion in the Copper Hill ACEC, both designated under the Taos RMP and the 2000 Rio Grande Corridor Final Plan. Land use authorization prescriptions for this area include excluding new ROWs, except for road improvements to improve safety or to provide access or utility service to non-federal land where no practicable alternative exists (Taos RMP page 109) where utilities would be underground only and would be collocated with roads (Rio Grande Corridor Final Plan pages 2-12).

Since no other reasonable alternative was found located outside the ACECs, the selected alternative is in conformance with the management decisions in the Taos RMP and Rio Grande Corridor Final Plan.

Rationale for Decision

By authorizing this action, the BLM fulfills its responsibility under the Federal Lands Policy and Management Act of 1976, which provides for land use authorizations to accommodate pipelines for the distribution of liquids and gases.

My decision meets the purpose and need for taking action to respond to the NMGC's ROW request for legal use of, and access across, public lands managed by the BLM, as described under Section 1.2 of the attached EA. The decision also addresses the specific objectives of NMGC, given its technical constraints described in the Section 1.1 of the attached EA. This decision also provides for the protection of important resource values, including highly scenic landscapes, riparian and aquatic resources, cultural resources, and public safety.

The attached EA, which serves as the basis for this decision, was prepared with adequate public involvement. Public scoping was conducted using various media and direct contact and yielded relevant issues that were considered and evaluated in the EA. Substantial comments were provided to the BLM during the 30-day public scoping period that lead to the development of an additional alternative analyzed in detail, which became the selected alternative. Public comments received during the 30-day public review and comment period for the EA were also carefully analyzed, but did not result in substantive revisions to the EA. (See Section 5.2 of the attached EA for more information.) Overall, input received by the public greatly contributed to the ability for the EA to serve as a basis for an informed decision, particularly with regards to identifying the selected alternative and dismissing other option that would have caused unacceptable impacts.

In addition to Alternative D, the Proposed Action, the EA analyzed two other alternatives, Alternative A and the No Action alternative. Under Alternative A, the re-routed pipeline segment would have crossed the Rio Grande and would have terminated near the Village of Pilar. This alternative was not selected because it would have resulted in greater environmental impacts when compared with Alternative D. Under the No Action alternative, NMGC would not be granted the requested ROW, the Taos Mainline would not be re-routed or upgraded, and the associated surface disturbance would not occur. The No Action alternative was not selected because it would not have addressed NMGC's objective of moving the pipeline out of an unstable area near the Rio Grande and may have resulted in longer-term adverse impacts to resources and public safety. The EA also considered two additional alternatives carefully, which were dismissed from detailed analysis with thorough rationale (Section 2.6 of the attached EA).

Appeal Language

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR § 4. To appeal you must file a notice of appeal at the BLM Taos Field Office, 226 Cruz Alta Road, Taos, New Mexico 87571, within 30 days from receipt of this decision. The appeal must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Taos Field Office or as noted above. *The BLM does not accept appeals by facsimile, email, or other electronic means.* The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR § 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. Except as otherwise provided by law or

other pertinent regulation, a petition for a stay of decision pending appeal shall show sufficient justification based on the following standards: (a) the relative harm to the parties if the stay is granted or denied, (b) the likelihood of the appellant's success on the merits, (c) the likelihood of immediate and irreparable harm if the stay is not granted, and (d) whether the public interest favors granting the stay.

Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (see 43 CFR § 4.413); Office of the Regional Solicitor, Southwest Region, U.S. Department of the Interior, 505 Marquette Avenue NW, Suite 1800, Albuquerque, New Mexico 87102; at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

/s/ Sarah Schlanger
Authorized Officer

April 26, 2017
Date

Attachments: Finding of No Significant Impact (DOI-BLM-NM-F020-2017-0004-EA)
Environmental Assessment (DOI-BLM-NM-F020-2017-0004-EA)